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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,834	04/16/2004	Ronald N. Swank	0298	9434
33306	7590	03/16/2006		
GENE W. ARANT P.O. BOX 269 LINCOLN CITY, OR 97367-0269			EXAMINER DAVIS, CASSANDRA HOPE	
			ART UNIT 3611	PAPER NUMBER
DATE MAILED: 03/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,834

Applicant(s)

SWANK, RONALD N.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claims 1, lines 2, 6, 7, 9, and 17, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually

disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Note similar language in claims 8, 9, and 10.

In claim 1, lines 10-12, the phrase "a back support card member having a flat configuration and being of essentially the same size and shape as each of the separate front card pieces, the back support card member being disposed behind the front card member" is indefinite because it is unclear if the back support card member is the same size as each front card piece or if the back support card member is the same size as the combined separate front card pieces.

In claim 1, line 14, the phrase "the lateral centers" lacks antecedent basis.

In claim 9, the phrase "having a central portion and two end portions, each end portion comprising a quarter of its length", is indefinite because it is unclear if a quarter of its length refers to the length of the card member or the length of the end portion.

In claim 9, line 6, the phrase "the four corners" lacks antecedent basis.

In claim 9, line 10, the phrase "the two associated securement areas" lacks antecedent basis.

In claim 9, line 14, the phrase "the edges" lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephenson, U. S. Patent 6,679,493.

7. With respect to claim 1 and 8, Stephenson teaches a foldable puzzle comprising a generally rectangular front card member (planar members 100 & 200) having a pair of side edges (102 & 202) and being transversely divided along a line (line define between edges 106 & 206) parallel to its side edges to form two separate front card pieces (100 and 200) of substantially equal size and shape. The front card member being adapted

to display a first photo thereon with two separate portions (110 and 210) of the first photo being supported on respective front card pieces (100 & 200), such that both front card pieces may occupy a first common plane with the first photo being then visibly displayed as a unit. The back support card member (planar member 300 & 400) having a flat configuration and being of essentially the same size and shape as each of the separate front card pieces. The back support card member being disposed behind the front card member and having its respective side edges hingedly at fold lines 130, 140, 230, & 240 secured to the lateral centers of respective ones of the front card pieces such that when the front card pieces are rotated by one hundred eighty degrees relative to each other and to the back card member to occupy a second and different common plane, a normally hidden second photo which is supported on the front surface of the back card member will then be visibly displayed. See figures 2-5.

With respect to claim 2, Stephenson teaches the back support card member also has left and right extension panels (left extension panel is define between fold lines 430 & 330 and edges 408 & 304 and right extension panel is define between fold line 440 & 340 an edge 404 & 302) that are foldable and are secured in face-to-face engagement with the rear

surfaces of respective front card pieces to form hinges at fold lines 440, 340, 430, and 330).

With respect to claim 3, the back support card member 400 and 300 is centered behind the dividing line in the front card member.

With respect to claim 4, the left and right extension panels of the back support card member are co-terminus with the outer portions of the front card pieces, and the front card pieces and back support card member are integrally formed as a single card member. The front piece is adhesive attached to the back member.

With respect to claim 5-7, Stephenson teaches a folding puzzle can vary in dimensional configuration.

Allowable Subject Matter

8. Claims 9 and 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to

show folding puzzles Rosendale et al. U. S. Patent 5,833,789 and Richwine et al., U. S. Patent 5,759,328.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center
(EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
March 13, 2006